

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GATEWAY ONE LENDING & FINANCE,)
LLC,)

Plaintiff,)

v.)

Case No. CIV-15-635-D

J&K BUSINESS VENTURES, INC d/b/a)
LINDSEY STREET MOTORS, *et al.*,)

Defendants.)

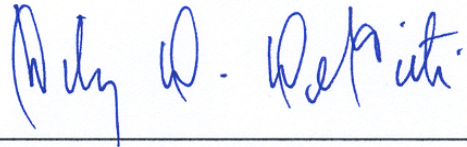
ORDER

Upon examination of the Complaint, the Court finds insufficient factual allegations to establish subject matter jurisdiction under 28 U.S.C. § 1332, as asserted by Plaintiff.¹ Plaintiff identifies itself as a Delaware limited liability company. A limited liability company is not treated like a corporation under § 1332(c)(1), but like a limited partnership or other unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). *See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). The Complaint fails to identify Plaintiff's members or to allege their citizenship. Accordingly, the Complaint fails to demonstrate complete diversity of citizenship between Plaintiff and Defendants.

¹ The Court has "an independent obligation to determine whether subject-matter jurisdiction exists" and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006).

IT IS THEREFORE ORDERED that Plaintiff shall file an amended complaint within 14 days of this date to sufficiently state a basis of federal jurisdiction.

IT IS SO ORDERED this 12th day of June, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE